

REMARKS

Claims 1-67 are pending and have been examined. Claims 1-67 stand rejected. Reconsideration of Claims 1-67 in view of the following remarks is respectfully requested.

The Rejection of Claims 1, 2, 5, 26, 27, 30, 51, and 53 Under 35 U.S.C. § 102

Claims 1, 2, 5, 26, 27, 30, 51, and 53 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 4,723,954, issued to Pieniak. Applicants traverse the rejection for the following reasons.

As an initial matter, the Examiner states that the Pieniak reference describes an absorbent composite containing two strata with a transition zone intermediate and coextensive with the two strata. Applicants respectfully disagree with the Examiner's reading of the reference.

In pertinent part, independent Claims 1, 26, and 51 recite a composite having first and second strata, each stratum including a binder.

The Pieniak reference describes an absorbent structure composed of (1) a facing sheet and (2) an absorbent batt. See Column 2, lines 6-7. The absorbent batt is composed of short fibers and formed by air-laying the fibers onto a foraminous support. See Column 3, lines 18-21. The absorbent batt does not include a binder.

For a reference to be anticipatory, the reference must exactly describe the claimed invention. Because the reference fails to describe a structure having two strata, each including a binder, the reference is not anticipatory. Accordingly, withdrawal of the rejection is respectfully requested.

The Rejection of Claims 3, 4, 6-10, 28, 29, 31-35, 52, and 54-56 Under 35 U.S.C. § 103

Claims 3-4, 6-10, 28-29, 31-35, 52, and 54-56 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,723,954, issued to Pieniak, in view of U.S. Patent No. 5,348,547, issued to Payne et al. Applicants traverse the rejection for the following reasons.

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

As noted above, the Pieniak reference fails to exactly describe the claimed invention because the reference fails to describe a composite having two strata, each including a binder. The Pieniak reference describes an absorbent structure consisting of a facing sheet and an absorbent batt. The facing sheet is a nonwoven fabric which is substantially water-repellent and having openings of a sufficient size so at least some fibers of the batt extend into the facing fabric. See Column 2, lines 8-11. As stated at Column 3, lines 45-50, fibers from the batt penetrate the surface and extend substantially through the facing fabric. The Pieniak reference fails to teach or suggest a composite having a transition zone intermediate two strata, each including a binder. The reference does not teach or suggest a transition zone that includes fibers from the first and second strata commingled substantially uniformly across the composite's width and along the composite's length, as in the claimed invention.

The deficiencies of the teaching of the Pieniak reference noted above are not cured by the teaching of the Payne reference. The cited references, either alone or in combination, fail to teach, remotely suggest, provide any motivation to make, or otherwise render obvious the claimed invention. Accordingly, withdrawal of the rejection is respectfully requested.

The Rejection of Claims 11-24, 36-49, and 57-66 Under 35 U.S.C. § 103

Claims 11-24, 36-49, and 57-66 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,723,954, issued to Pieniak, in view of U.S. Patent No. 5,348,547, issued to Payne et al. and U.S. Patent No. 6,152,904, issued to Matthews et al. Applicants traverse the rejection for the following reasons.

The deficiencies of the teaching of the Pieniak reference noted above are not cured by the teachings of the Payne and Matthews references. The cited references, either alone or in combination, fail to teach, remotely suggest, provide any motivation to make, or otherwise

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

render obvious the claimed invention. Accordingly, withdrawal of the rejection is respectfully requested.

The Rejection of Claims 25, 50, and 67 Under 35 U.S.C. § 103

Claims 25, 50, and 67 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,723,954, issued to Pieniak, in view of U.S. Patent No. 5,348,547, issued to Payne et al., U.S. Patent No. 6,152,904 issued to Matthews et al., and Ahr (H1724). Applicants traverse the rejection for the following reasons.

The deficiencies of the teaching of the Pieniak reference noted above are not cured by the teachings of the Payne, Matthews, and Ahr references. The cited references, either alone or in combination, fail to teach, remotely suggest, provide any motivation to make, or otherwise render obvious the claimed invention. Accordingly, withdrawal of the rejection is respectfully requested.

The Provisional Double Patenting Rejection of Claims 1-67

Claims 1-67 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims in copending Application Nos. 09/137,503; 09/620,947; 09/624,263; 09/624,262; 09/620,950; 09/621,167; and 09/624,081. Applicants note the provisional rejection.

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LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Conclusion

In view of the foregoing remarks, applicants believe that Claims 1-67 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206/695-1755.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

George E. Renzoni

George E. Renzoni, Ph.D.
Registration No. 37,919
Direct Dial No. 206.695.1755

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LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100